

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

565A0552

## HOUSE BILL NO. 1073

Introduced by: Representative Hunt and Senator Everist

1 FOR AN ACT ENTITLED, An Act to provide access to presentence reports to all parties before  
2 imposition of sentence.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-27-7 be amended to read as follows:

5 23A-27-7. Before imposing sentence a court shall ~~upon request permit the defendant, his~~  
6 ~~counsel if he is so represented, or the prosecuting attorney to read~~ disclose the report of the  
7 presentence investigation to the defendant, the defendant's counsel, if represented by counsel,  
8 and the prosecuting attorney, but the court may exclude any recommendation as to sentence, and  
9 other material that, in the opinion of the court, contains a diagnostic opinion which might  
10 seriously disrupt a program of rehabilitation, sources of information obtained upon a promise of  
11 confidentiality, or any other information which, if disclosed, might result in harm, physical or  
12 otherwise, to the defendant or other persons. The court shall afford the defendant, ~~his~~ the  
13 defendant's counsel, or the prosecuting attorney an opportunity to comment thereon and, in the  
14 discretion of the court, to introduce testimony or other information relating to any alleged factual  
15 inaccuracy contained in the presentence report.